

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**IN RE: STAND ‘N SEAL
PRODUCT LIABILITY
LITIGATION**

**MDL Docket No.:
1:07-md-1804-TWT**

**1:07-cv-01038-TWT
Carson, et al. v. Roanoke
Companies Group, Inc., et al.**

MOTION FOR LEAVE TO EXCEED PAGE LIMITS

Defendants, ROANOKE COMPANIES GROUP, INC. now known as BRTT, INC. (“Roanoke”), HOME DEPOT U.S.A., INC. (“Home Depot”) and AEROFIL TECHNOLOGY, INC. (“Aerofil”) (collectively “Defendants”), by and through their attorneys, hereby move for leave, pursuant to LR 7.1D, to exceed the Local Rule page requirement and file their Memorandum of Law in Support of their Motion to Sever or, in the Alternative, for Separate Trials. A copy of the proposed memorandum is filed contemporaneously herewith. In support their motion to exceed the LR 7.1D page requirement, Defendants state as follows:

1. This is a complex case involving multiple Plaintiffs, each requiring a separate description of individually applicable facts.

2. Pursuant to Federal Rules of Civil Procedure 20, 21 and 42 and based on case law interpreting these Rules, Defendants seek to sever the claims of Plaintiffs, or in the alternative, to conduct separate trials for each plaintiff.

3. The misjoinder of Plaintiffs is likely to cause confusion and substantially harm Defendants at trial.

WHEREFORE, Defendants respectfully request that this Court enter the proposed Order enlarging the page limit for Defendants' Memorandum in Support of their Motion to Sever or, in the Alternative, for Separate Trials.

This 30th day of September, 2008

Respectfully submitted,

MORRIS, MANNING & MARTIN, LLP

By: /s/ John P. MacNaughton

John P. MacNaughton

Georgia Bar Number 464550

Seslee S. Mattson

Georgia Bar Number 663377

1600 Atlanta Financial Center

3343 Peachtree Road, N.E.

Atlanta, Georgia 30326

Telephone: (404) 233-7000

Facsimile: (404) 365-9532

Attorneys for Home Depot U.S.A., Inc.

PRETZEL & STOUFFER

By: /s/ Edward B. Ruff

Edward B. Ruff, Esq.

Illinois Bar Number 6181322

Michael P. Turiello, Esq.

One South Wacker Drive, Suite 2500

Chicago, Illinois 60606-4673

Counsel for Defendant, Old Roanoke

SUTTER, O'CONNELL & FARCHIONE

By: /s/ Thomas H. Terry, III

Thomas H. Terry, III, Esq.

Ohio Bar Number 0016340

3600 Erieview Tower

1301 East 9th Street

Cleveland, Ohio 44114

Counsel for Defendant, Aerofil Technology, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**IN RE: STAND 'N SEAL
PRODUCT LIABILITY
LITIGATION**

**MDL Docket No.:
1:07-md-1804-TWT**

**1:07-cv-01038-TWT
Carson, et al. v. Roanoke
Companies Group, Inc., et al.**

CERTIFICATE OF SERVICE

I hereby certify that I have on this day served by electronic mail a true copy of the within and foregoing DEFENDANTS' MOTION FOR LEAVE TO EXCEED PAGE LIMITS upon the following counsel of record:

Kevin R. Dean, Esq.
28 Bridgeside Boulevard
P.O. Box 1792
Mount Pleasant, SC 29465

*Counsel for Plaintiffs, Hilmija Dzebic
and Fikreta Osmanik*

Craig W. Carlson, Esq.
Steven N. Walden, Esq.
The Carlson Law Firm, P.C.
400 West Jasper
P.O. Box 10520
Killeen, TX 76547

Counsel for Plaintiff, Terri Keenan

Anna Dubrovsky, Esq.
Claude Wyle, Esq.
Choulos, Choulos & Wyle, LLP
425 California Street, Suite 1800
San Francisco, CA 94104

*Counsel for Plaintiffs, Hilmija Dzebic
and Fikreta Osmanik*

Michael A. Patrick
The Patrick Law Firm, LLC
111 E. Indiana Avenue
Berthoud, CO 80513

*Counsel for Plaintiff, Jacqueline
Birdsall*

Frank A. Ilardi, Esq.
Houck, Ilardi & Regas, LLC
Two Ravinia Drive, Suite 300
Atlanta, GA 30346

*Counsel for Plaintiffs, James Flynn
and Laura Flynn*

Meryl S. Viener
Sanders, Sanders, Block, Woycik,
Viener & Grossman, P.C.
100 Herricks Road
Mineola, NY 11501

*Counsel for Plaintiffs, Christopher
Szczepanski and Alina Szczepanski*

Steven C. Ruth, Esq.
Beltz & Ruth, P.A.
150 Second Ave. North, 15th Floor
St. Petersburg, FL 33701

Counsel for Plaintiff, Emily Willis

Mikal C. Watts, Esq.
William Joseph Maiberger, Jr., Esq.
Francisco Guerra, IV, Esq.
Watts Law Firm, LLP
300 Convent, Suite 100
San Antonio, TX 78205

Lead Counsel for All Plaintiffs

Kerry Sigler Morgan, Esq.
Michael A Breen, Esq.
Breen & Morgan Attorneys
870 Fairview Avenue, Ste. 5
Bowling Green, KY 42101

Counsel for Plaintiff, Colby Norris

Paul B. Irvin, Esq.
Troutman, Williams, Irvin, Green,
Helms & Polich, P.A.
311 West Fairbanks Avenue
Winter Park, FL 32789

*Counsel for Plaintiffs Daniel
and Beth Delpha*

Glenn S. Pressman, Esq.
Melat, Pressman & Higbie, LLP
711 South Tejon Street
Colorado Springs, CO 80903

Counsel for Plaintiff, Erika Wong

Joseph V. Gibson, Esq.
Law Office of Joseph V. Gibson, P.C.
10330 Lake Road - Building V
Houston, TX 77070

Co-Lead Counsel for Plaintiffs

Scott P. Callahan, Esq.
Law Office of Scott P. Callahan, PC
One Riverway, Suite 1700
Houston, TX 77056

Co-Lead Counsel for Plaintiffs

Richard B. Gavend, Esq.
3515 South Tamarac Drive
Suite 200
Denver, CO 80237

*Counsel for Plaintiff,
Dorothy Paszak*

Scott B. Cooper, Esq.
The Cooper Law Firm
2030 Main Street
Suite 1300
Irvine, CA 92614

*Counsel for Plaintiffs, Michael
Holland and Eileen Moreno*

Jonathan H. Groff, Esq.
Law Offices of Kirshner & Groff
5901 SW 74th Street, Suite 404
South Miami, FL 33143

Counsel for Plaintiff, Kelly Wait

John W. Trueax, Esq.
Kiel, Trueax & Gold, P.C.
7375 East Orchard Road #300
Greenwood Village, CO 80111

Counsel for Plaintiff, Hunter E. Frary

Neil Hillyard, Esq.
Daniel A. Sloane, Esq.
Hillyard, Wahlberg, Kudla & Sloane,
LLP
4601 DTC Boulevard, Suite 300
Denver, CO 80237

*Counsel for Plaintiffs, Sandie
Himmelman, Brian Himmelman, Tyler
Himmelman*

William J. Lamping
Vestevich, Mallender, DuBois &
Dritsas, P.C.
6905 Telegraph Road, Suite 300
Bloomfield, MI 48301-3160

*Counsel for Plaintiffs, Richard
Bergman and Donna Bergman*

Patrick M. Martucci
The Hershewe Law Firm, P.C.
431 S. Virginia Ave.
Joplin, MO 64801-2399

Counsel for Plaintiff, Miles Carpenter

Kenneth J. Allen, Esq.
Michael T. Terwilliger, Esq.
Kenneth J. Allen & Associates, P.C.
Allen Law Building
1109 Glendale Blvd.
Valparaiso, IN 46383

*Counsel for Plaintiffs, Dennis Custy
and Anne Custy*

Richard O. Robinson, Esq.
Richard O. Robinson, P.C.
14 Lafayette Square
Suite 800 Rand Building
Buffalo, NY 14203

Counsel for Plaintiff, Timothy J. Sears

John R. Doyle, Esq.
J. Christian Nemeth, Esq.
McDermott Will & Emery LLP
227 West Monroe
Chicago, IL 60606-5096

Counsel for Defendant, New Roanoke

Thomas H. Terry, III, Esq.
Sutter, O'Connell & Farchione
3600 Erieview Tower
1301 East 9th Street
Cleveland, OH 44114

*Counsel for Defendant, Aerofil
Technology, Inc.*

Patrick J. Murphy, Esq.
Michael R. Small, Esq.
Murphy, Small & Associates
1100 East Bridger Avenue
Las Vegas, NV 89101

*Counsel for Plaintiffs, Sheilah
Williams and Steve Williams*

Edward B. Ruff, Esq.
Michael P. Turiello, Esq.
Pretzel & Stouffer
One South Wacker Drive, Suite 2500
Chicago, IL 60606-4673

Counsel for Defendant, Old Roanoke

Albert H. Parnell, Esq.
R. Scott Masterson, Esq.
Hawkins & Parnell, LLP
4000 SunTrust Plaza
303 Peachtree Street, N.E.
Atlanta, GA 30308-3243

*Counsel for Defendant, Innovative
Chemical Technologies, Inc.*

Charles M. McGivney, Esq.
Philip J. O'Rourke, Esq.
William Sanders, Esq.
McGivney & Kluger, P.C.
80 Broad Street, 23rd Floor
New York, NY 10004

Counsel for Defendant, SLR, Inc.

Scott D. Huray, Esq.
Timothy J. Gardner, Esq.
Carlock, Copeland, Semler & Stair,
LLP
2600 Marquis II Tower
285 Peachtree Center Avenue
Atlanta, GA 30303-1235

Counsel for Defendant Ortec, Inc.

This 30th day of September, 2008.

/s/ John P. MacNaughton
Attorney for Defendant
Home Depot U.S.A., Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

VICKI CARSON, LINDALL FLEWELLING,)	
PATRICIA FLEWELLING, JOHN HICKS,)	
GERALD JAMES, LUGUENE O’FALLON)	Civil Action NO.
and DOUGLAS WILSON)	1:07-cv-01038-TWT
Plaintiffs,)	
v.)	
)	
ROANOKE COMPANIES GROUP, INC.,)	
now know as BRTT, INC.,)	
ROANOKE COMPANIES GROUP, INC.)	
Individually and as Successor in Interest)	
to ROANOKE COMPANIES GROUP, INC.)	Stand 'n Seal Products
HOME DEPOT U.S.A., INC., SLR, INC.,)	Liability MDL Case
AEROFIL TECHNOLOGY, INC.)	No.: 1:07-md-1804-TWT
INNOVATIVE CHEMICAL)	
TECHNOLOGIES, INC., and ORTEC, INC.,)	
Defendants.)	

PROPOSED ORDER

THIS MATTER, having come before the Court upon the Defendants’ Motion for Leave to Exceed LR 7.1D Page Limit, and the Court having considered same, and for good cause shown;

IT IS HEREBY ORDERED that Defendants’ Motion for Leave to Exceed LR 7.1D Page Limit is granted.

SO ORDERED, this ____ day of October 2008.

THOMAS THRASH
United States District Judge